



City of Seattle

Gregory J. Nickels, Mayor

Department of Design, Construction and Land Use

D. M. Sugimura, Acting Director

**CITY OF SEATTLE
ANALYSIS AND DECISION OF THE DIRECTOR
OF THE DEPARTMENT OF DESIGN, CONSTRUCTION AND LAND USE**

Application Number: 2206849

Applicant Name: Rick Glover

Address of Proposal: 12530 26th Ave. NE

SUMMARY OF PROPOSED ACTION

Master Use Permit to subdivide one parcel into six (6) lots (unit subdivision). Proposed lot sizes are: A) 1,634 square feet; B) 975 square feet; C) 1,295 square feet; D) 1,633 square feet; E) 1,258 square feet; and, F) 1,642 square feet. This subdivision of property is only for the purpose of allowing sale or lease of the unit lots. Development standards will be applied to the original parcel and not to each of the new unit lots. The construction of townhouses is being reviewed under Project No. 2206514: Demolish the existing duplex; establish use as multifamily townhouse; construct two new three story buildings; and, occupy per plan.

The following approval is required:

Short Subdivision - to subdivide one existing parcel into six lots as a unit subdivision
(Chapter 23.24, Seattle Municipal Code).

SEPA DETERMINATION: ☒ Exempt ☐ DNS ☐ MDNS ☐ EIS

 ☐ DNS with conditions

 ☐ DNS involving non-exempt grading, or
 demolition, or involving another agency with
 jurisdiction.

BACKGROUND DATA

Site & Area Description

The 8,437 square foot property is located on the east side of 26th Avenue NE, between NE 127th and NE 125th Streets in the Lake City area of north Seattle. Access to the site is via 26th Avenue, which is paved and partially improved with concrete curbs, gutters, planter strips and sidewalks on east side of the street, south of the site. There is not a platted alley at the rear (east) of the property to provide vehicle access. There is an existing one-story duplex on the site. The parcel is relatively flat and is not located in any identified or designated Environmentally Critical Area.

The subject property and surrounding lots to the south and east are zoned Multi-family Residential, Lowrise 2 (L-2) and developed with two to three-story townhouses and condominium buildings. Properties to the west across the 26th Avenue are zoned Lowrise 1 (L-1), a less intensive multi-family zoning designation. Development to the west is a variety of one-story commercial and single family residential structures. To the north, the property is zoned for commercial uses with a forty foot height limit (C1 – 40) and developed with a large one story commercial structure consistent with the commercial zoning.

Proposal

The proposal is to subdivide one parcel into six unit subdivision lots with access provided from 26th Avenue. Vehicle access to the proposed lots and future dwelling units will also be from 26th Avenue. Parking for the proposed townhouses will be provided within the structures. Access to the central auto court and parking within each unit will be via a ten (10) foot wide ingress, egress and utility easement along the north property line. Proposed lot sizes are as indicated in the summary above. The lots either have direct pedestrian access to 26th Avenue or access via an easement, depending on their location.

Note that the construction of the proposed townhouses is being reviewed for consistency with the applicable provisions of the Seattle Municipal Code under a separate permit (MUP No. 2206514). The subject of this analysis and decision is only the proposed division of land.

Public Comment

The comment period for this proposal ended on November 6, 2002. During the public comment period, DCLU received no written comments.

ANALYSIS - SHORT SUBDIVISION

Pursuant to SMC 23.24.040, no short plat shall be approved unless all of the following facts and conditions are found to exist:

1. *Conformance to the applicable Land Use Code provisions;*
2. *Adequacy of access for vehicles, utilities, and fire protection, as provided in Section 23.53.005;*
3. *Adequacy of drainage, water supply, and sanitary sewage disposal;*
4. *Whether the public use and interests are served by permitting the proposed division of land;*
5. *Conformance to the applicable provisions of SMC Section 25.09.240, short subdivision and subdivisions, in environmentally critical areas;*
6. *Is designed to maximize the retention of existing trees;*
7. *Conformance to the provisions of Section 23.24.045, Unit lot subdivisions, when the short subdivision is for the purpose of creating separate lots of record for the construction and/or transfer of title of townhouses, cottage housing, clustered housing, or single-family housing.*

Based on information provided by the applicant, referral comments from the Land Use Plans Examiner, the Drainage Section, the Fire Department, Seattle Public Utilities (City Light and the Water Department), and review by the Land Use Planner, the following findings are made with respect to the above-cited criteria:

1. The subject property is zoned for multi-family residential use. The allowable density of the subject property is one unit per 1,200 square feet of lot area. Given a lot area of approximately 8,437 square feet, seven (7) units are allowed and six are proposed. Maximum lot coverage is 50%. Front setbacks are an average of the neighboring adjacent lots, the maximum setback is fifteen (15) feet and the minimum is five (5) feet. The minimum side yard setback is five (5) feet; the actual required setback is based on the height of the structure adjacent to the side property line. Rear yard setback is twenty-five (25) feet or twenty (20) percent of the lot depth, in no case less than fifteen (15) feet. The proposed parcels provide adequate buildable area to meet applicable setbacks, lot coverage requirements, and other Land Use Code development standards.
2. The lots are provided vehicular access to 26th Avenue via a ten foot wide ingress, egress and utility easement, consistent with the requirements of the Code. The Seattle Fire Department has no objection to the proposed short plat. All private utilities are available in this area. Seattle City Light provides electrical service to the proposed short plat. City Light has reviewed the proposal and does require an easement to provide for electrical facilities and service to the proposed lots in addition to the utility easement identified on the proposed short plat, which must be included on the final plat. This short plat provides for adequate access for vehicles, utilities, and fire protection.

3. This area is served with domestic water, sanitary sewer, and stormdrain facilities by the City of Seattle. Availability of service is assured subject to standard conditions of utility extension. The Short Plat application has been reviewed by Seattle Public Utilities and a Water Availability Certificate was issued on October 23, 2002. The existing structure is connected by means of a single sidesewer to an 8-inch public sanitary sewer (PSS) located in 26th Avenue NE. There is a 12-inch public storm drain (PSD) on the east side of 26th Avenue. This area is within the Thornton Creek Drainage Sub-basin.

New construction with discharge to the sanitary sewer will require a sidesewer permit. Stormwater detention, with controlled release to the PSD in 26th Avenue, is likely to be required for construction in excess of 2,000 square feet of developmental coverage. Plan review requirements regarding stormwater were made at time of building permit application. If the project includes greater than 5,000 square feet of new or replaced impervious surface, a comprehensive drainage control plan prepared in accordance with SMC 22.802.015D and 22.802.020 would be required.

4. One objective of the subdivision process is to increase opportunities for new housing development in order to ensure that there will be adequate capacity for future housing need. An equally important objective is to ensure that new development is compatible with neighborhood character. The proposed unit subdivision will meet all the applicable Land Use Code provisions. An area for address signage shall be provided such that addresses for all parcels are visible from 26th Avenue NE and an easement or a covenant shall be recorded with the final plat to ensure that address signage can be maintained. The proposed development has adequate access for vehicles, utilities and fire protection, and has adequate drainage, water supply and sanitary sewage disposal. The public use and interest will be served with this proposal because additional opportunities for owner occupied housing would be provided within the City limits as a result of this subdivision. The proposal will meet all applicable criteria for approval of a short plat upon completion of the conditions in this analysis and decision.
5. This site is not located in any environmentally critical area as defined in SMC 25.09.240. There are no environmentally critical areas mapped or otherwise observed on the site.
6. There are three deciduous and coniferous trees dispersed over the property, two of which may be preserved, depending upon the location of the root systems and the overall health of the trees. Thus the subdivision has been designed to maximize the retention of existing trees. Future construction is also subject to the provisions of 23.45.015.C which sets forth tree replacement/planting requirements on multi-family lots.
7. The applicant proposes the construction of two three-unit townhouses for a total of six (6) units on the subject site. Pursuant to SMC 23.24.045(B), sites developed or proposed to be developed with townhouses, cottage housing, clustered housing, or

single-family housing may be subdivided into individual nonconforming unit parcels if development as a whole on the parent lot meets applicable Land Use Code development standards. To assure that future owners have constructive notice that additional development may be limited due to nonconformities, the following statement shall be required to be included as a note on the final short subdivision: *The unit lots shown on this site are not separate buildable 23.42.112. Additional development on any individual unit lot in this subdivision may be limited as a result of the application of development standards to the parent lot pursuant to applicable provisions of the Seattle Land Use Code, Chapter 23 of the Seattle Municipal Code.*

The conformance of the proposed development as a whole with the applicable Land Use Policies and Code Provisions is being reviewed under Master Use Permit Number 2206514. These provisions include, but are not limited to, setback, lot coverage, building height, usable open space, landscaping, and parking requirements. Consistent with Section 23.24.045(C), additional development of the proposed lots shall be limited. Subsequent platting actions, or additions or modifications to the structure(s) may not create or increase any nonconformity of the parent lot. Subsequent actions that would create any nonconformity of proposed Lots A through F are also not permitted. Consistent with Section 23.24.045(D), access easements and joint use and maintenance agreements shall be executed for parking areas and driveway and pedestrian access if necessary. Therefore, the proposed short subdivision conforms with the provisions of Section 23.24.045 for Unit Lot Subdivisions.

Summary

The lots to be created by this unit subdivision may not individually meet all of the zoning requirements Lowrise 2 zone including setbacks, density, and structure width and depth, consistent with the provisions of SMC 23.24.045. However, the development when considered as a whole does meet all standards of the set forth in the Land Use Code. This unit subdivision is provided with vehicular access, and public and private utilities and access, including emergency vehicles. Adequate provisions for water supply and sanitary sewage disposal have been provided for each lot and service is assured, subject to standard conditions governing utility extensions. Adequate provisions for drainage control have also been provided.

DECISION - SHORT SUBDIVISION

The proposed Short Subdivision is **CONDITIONALLY GRANTED.**

CONDITIONS - SHORT SUBDIVISION

Conditions of Approval Prior to Recording

The owner(s) and/or responsible party(s) shall:

1. Have final recording documents prepared by or under the supervision of a Washington state licensed land surveyor. Each lot, parcel, or tract created by the short subdivision shall be surveyed in accordance with appropriate State statutes. The property corners set shall be identified on the plat and encroachments such as side yard easements, fences or structures shall be shown. Lot areas shall be shown on the plat. All existing structures, principal and accessory, shall be shown on the face of the plat, and their distances to the proposed property lines dimensioned.
2. Submit the final recording forms for approval and any necessary fees.
3. Include an easement to provide for electrical facilities and service to the proposed lots as required by Seattle City Light (aka Exhibit A) on the final short subdivision.
4. Insert the following on the face of the plat: "The unit lots shown on this site are not separate buildable lots. Additional development on any individual unit lot in this subdivision may be limited as a result of the application of development standards to the parent lot pursuant to applicable provisions of the Seattle Land Use Code, Chapter 23 of the Seattle Municipal Code."
5. Provide a joint maintenance and responsibility agreement for maintenance and use of shared walls on property lines and all ingress, egress and utility easements, if necessary.
6. Provide an area with a covenant or easement for the posting of the addresses for all lots in a manner such that the addresses will be visible from the 26th Avenue NE right-of-way, with a joint maintenance and responsibility agreement for maintenance and use of the easement. Update the proposed legal descriptions accordingly.

Signature: (signature on file) Date: February 3, 2003
David Graves, AICP, Contract Planner
Department of Design, Construction and Land Use
Land Use Division

DG:vw